

ORDER BELOW EXH. 19 IN R.C.S. NO. 22/2021.
(Passed on 13.10.2022)

1. This is an application under Order XXVI Rule 9 of the Code of Civil Procedure, 1908. (here-in-after referred the code) for appointment of court commission.

2. **In short the application of plaintiff are as under -**

The plaintiff submitted that, he is the owner and possessor of the suit property situated at village Yevti, Tq. Lonar in gat no. 361 ad-measuring 1 H. 81 R land. Thus, plaintiff claimed to be owner and possessor of 1 H. 81 R land. Therefore, plaintiff filed the present suit for removal of encroachment and recovery of possession.

3. Defendant no. 1 to 11 are appeared and submitted that, suitable order be passed on this application.

4. Considering application supported with affidavit in the light of plaint, it appears that, plaintiff claimed to be owner and possessor of the suit property. Plaintiff has an agricultural land in gat no. 361, ad-measuring 1 H 81 R. Thus, plaintiff claimed to be owner and possessor of 1 H. 81 R land. It is owned and possessed by plaintiff. Defendants have also an agricultural land adjacent to the suit property. Therefore, to find out actual position and status of the suit land, it will be essential to appoint court commissioner. So, it will helpful to the court while deciding the real controversy of the suit.

5. Therefore, it would be proper and justifiable to appoint the court commissioner to carry out the measurement of suit property and to prepare the map as per rules and submit in the court. It would helpful to this court for the purpose of elucidating the matter in dispute and solve real controversy in the suit. Therefore, it is my view that the application

deserves to be granted and expenses, if any, be beared by the plaintiff who applying for the court commissioner. In the results, I pass following Order.

ORDER

1. The application is allowed.
2. Taluka Inspector Land Record, Lonar is appointed as the court commissioner for the measurement of suit property.
3. Court commissioner is directed to measure the suit property as per survey manual in the light of application and submit report along with map.
4. The plaintiff is directed to bear the expenses of court commissioner.
5. Both the parties are hereby directed to co-operate to the court commissioner and supply all necessary document for the measurement.
6. Issue writ accordingly.

Place - Lonar
Date – 13.10.2022.

(V.S. Raut)
Civil Judge Jr. Div. Lonar
JO Code MH 02-2830